

Remarks

The Examiner has rejected claims 1-32 under 35 U.S.C. §102(b) as being anticipated by Hashimoto, United States Patent No. 4,850,005 (hereinafter "Hashimoto").

Claims 1-32 were originally presented for examination. Claims 1-32 are currently pending, of which claims 1, 9, 17, 25, and 28 are in independent form. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

Rejection Under 35 U.S.C. §102(b)

Claims 1-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hashimoto. The present invention, as defined by each of independent claims 1, 9, 17, 25, and 28, is directed to a telephone answering device ("TAD") or method of operating a TAD wherein the TAD, upon receipt of an incoming call, plays a general outgoing message to a caller. Subsequently, responsive to receipt on the telephone line of a code associated with a special message storage location in which a special message is stored, the TAD plays the special message to the caller via the telephone line.

With respect to each of claims 1, 9, 17, 25, and 28, the Examiner relies exclusively on Hashimoto. Hashimoto describes a TAD that, upon receipt of a incoming call, plays to the caller a general outgoing message that prompts the caller to speak his name. When the caller does so, the caller's voice is transmitted via the

telephone line to the TAD. Artificial intelligence within the TAD determines whether the caller's voice pattern is registered with the TAD. If so, a "recognizing code" indicative of a coincidence in voice pattern is read out of a RAM located within the TAD. The "recognizing code" is used to access a specific message that is played to the caller.

The Examiner has taken the position that the code associated with a special message storage location received on the telephone line as recited in pending claims 1, 9, 17, 25, and 28 reads on Hashimoto's "recognizing code." Applicant respectfully traverses the Examiner's position and submits that, because claims 1, 9, 17, 25, and 28 explicitly recite that the subject code is received on the telephone line (i.e., is input by the caller), it is not the same as Hashimoto's "recognizing code," which is read out of a memory device internal to the TAD. Specifically, Hashimoto states that:

If the calling signal is detected ... a command is supplied to the control section 4 through the input/output port I/O1, to start the playback of the outgoing message for general calling party previously recorded in the RAM(1) of the RAM-1, saying "This is Hashimoto corporation. Who's speaking please (followed by blank portion for a couple of seconds) ?" ... Next, if the calling party voices his name according to the instruction of the outgoing message...voice recognition is carried out.... In the case that the affirmative recognition result is obtained..., the associated registration number as a recognizing code indicative of coincidence in voice pattern will be read from the RAM-2 through the memory RAM-3.... [As] the respective names of the specific messages stored in the RAM(2)-RAM(3) of the memory RAM-1 have been previously appointed ... the

message for [the calling party] registered in RAM-2 is selected from the RAM(2)-RAM(3) and an associated message is sent out.... (Col. 5, line 32 - Col. 6, line 11, emphasis added).

Accordingly, contrary to claims 1, 9, 17, 25, and 28, Hashimoto neither teaches nor suggests playing a special message responsive to receipt on a telephone line of a code associated with a special message storage location. Instead, Hashimoto teaches identifying a "recognizing code" which is stored in a memory device internal to the TAD and using this "recognizing code," which is associated with a special message storage location, to select and play the special message.

Additionally, Applicant would like to specifically address the Examiner's rejection of several of the pending dependent claims. In particular, with respect to claims 4, 12, and 19, Applicant submits that, contrary to the Examiner's assertion, Hashimoto fails to teach or suggest, subsequent to playing the message stored in the special message storage location, storing an incoming message received on the telephone line in the special message storage location. Rather, the portion of Hashimoto cited by the Examiner (column 3, lines 24-58) is directed to the recording of outgoing messages to the memory of the TAD (see e.g., column 3, lines 49-51). Incoming messages are recorded on an incoming message tape T2 (column 6, lines 25-30).

With respect to claims 5 and 13, Applicant submits that, contrary to the Examiner's assertion, Hashimoto fails to teach or suggest enabling a caller to select one or more of more than one messages stored in the special message storage location to be played on the telephone line. Rather, as previously noted, the portion of Hashimoto cited by the Examiner (column 3, lines 24-58) is directed to the recording of outgoing messages and messages for specific calling parties to the memory of the TAD. The cited language fails to disclose any manner in which a caller accesses more than one of such recorded messages.

With respect to claims 6 and 14, Applicant submits that, contrary to the Examiner's assertion, Hashimoto fails to teach or suggest, subsequent to playing the messages stored in the special message storage location, replacing the message stored in the special message storage location with an incoming message. Rather, as previously noted, the portion of Hashimoto cited by the Examiner (column 3, lines 24-58) is directed to the recording of outgoing messages and messages for specific calling parties to the memory of the TAD. The cited language fails to disclose recording incoming messages in the special message storage location.

Finally, with respect to claims 15 and 18, Applicant submits that, contrary to the Examiner's assertion, Hashimoto fails to teach or suggest, a telephone answering device including means or a control circuit for playing a special tone on the telephone line

if a special outgoing message has previously been recorded. Rather, the portion of Hashimoto cited by the Examiner (column 7, lines 14-23) discloses the playing of DTMF tones by a caller using the keypad of the telephone from which he is calling. Accordingly, it is clear that the "special tone" of Hashimoto is not provided by the telephone answering device, but by the caller using his telephone.

In view of the foregoing, it is respectfully submitted that independent claims 1, 9, 17, 25, and 28 clearly distinguish and are patentable over Hashimoto. Claims 2-8, 10-16, 18-24, 26-27, and 29-32 depend from and further limit claims 1, 9, 17, 25, and 28. Accordingly, Applicant respectfully requests withdrawal of the outstanding §102(b) rejection and allowance of claims 1-32.

Fee Statement

The total number of claims remains unchanged by way of the present Response. Similarly, the number of independent claims remains unchanged by way of the present Response. Accordingly, Applicant believes no fee is due with the submission of this Response. If, however, a fee is due, please debit our deposit account, Account 03-1130.

Conclusion

In view of the forgoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections of claims 1-32, presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 31st day of July, 2003.

Respectfully submitted:



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